H.R. 3023 is critical to the continued economic development of Yuma, Arizona. It is relatively simple legislation, but it is a tremendous and important step toward relieving congestion at one of the busiest border crossings in our nation. It would convey a portion of land, approximately 330 acres, to the Greater Yuma Port Authority for the construction and operation of an International Port of Entry.

Since the early 1990s, the Port of Entry in Yuma County, Arizona began to experience serious delays, particularly with commercial traffic. The current Port is located directly in the heart of the City of San Luis, just south of downtown Yuma. Delays continued to grow over the years, with vehicles backing up on both sides of the border.

Then, of course, with the passage of the North American Free Trade Agreement, NAFTA, the traffic has since become such that individuals are having to wait anywhere from two to four hours to make the crossing. This is particularly true in the case of commercial vehicles.

Because of the serious impact these delays are having on commerce and the quality of life of the people in the region, I began working with the communities to develop some solution to this border crossing nightmare.

H.R. 3023 would convey to the Greater Yuma Port Authority an area of land currently controlled by the Bureau of Reclamation just east of the City of San Luis, for the construction of a commercial Port of Entry. This land, of course, would be conveyed to the Greater Yuma Port Authority at ''fair market value.''

This bill, as passed by the Committee on Resources, has been carefully crafted by all parties involved over several months. The Cities of Yuma, Somerton, and San Luis, the County of Yuma, the Cocopah Indian Nation, and the Bureau of Reclamation all contributed to the final version of this legislation. Also, the Border Patrol and the State Department were consulted. After several very lengthy and detailed meetings, all parties involved agreed with the spirit and with the letter of this legislation.

The Bureau of Reclamation had several suggested changes to the original version. These changes were primarily technical changes and the simple rearrangement of Sections and phrases to better fit the flow of the legislative intent. All of the Bureau of Reclamations suggested changes were accepted by myself and the representatives of the Greater Yuma Port Authority and were incorporated into this bill during the Subcommittee on Water and Power mark-up session.

Mr. Speaker, this is a simple land transfer which have a significant impact on the lives of people of Yuma. It will ensure a much more timely and convenient crossing for individuals and for commercial enterprises.

I strongly urge my colleagues to support H.R. 3023.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 3023, as amended.

The question was taken.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3023 and H.R. 4408.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

KEEPING SOCIAL SECURITY AND MEDICARE SOLVENT

Mr. SMITH of Michigan. Mr. Speaker, this afternoon the President is releasing his mid-session economic review. That review indicates that there will be over $800 billion more revenues coming into the Federal Government in the next 10 years than was projected just last January, $800 billion. There is a substantial increase in this year, 2000, of $45 billion more than we anticipated just 6 months ago. It is $64 billion more next year in 2001 than we anticipated.

That means that the Social Security ''lockbox'' as well as the Medicare ''lockbox'' that we passed last week is going to be maintained. It means that, with a little discipline from this body, we will not be spending that Social Security surplus or the Medicare trust fund surplus.

I think we are in a unique position and that unique position means that we have an opportunity now to keep Social Security and Medicare solvent. We have an opportunity to make the kind of changes that will not leave our kids and our grandkids with a huge debt and, in effect, say to them that they are going to be responsible for paying off that kind of debt, that now amounts to $5.7 trillion.

And why would they be responsible for more debt? It is because this body and the President of the United States have found it to their political advantage to simply spend more and more money.

At some time we are going to have to decide, as part of good public policy, how much taxes should be in this country, what is reasonable in terms of the percent of what a worker earns, should go for taxes. Right now, an average taxpayer, pays 41 percent of every dollar they earn in taxes.

After we decide on a reasonable level of taxation, then we have got to prioritize spending. Part of that priority has got to make sure that we keep Social Security and Medicare solvent.

CHURCH PLAN PARITY AND ENTANGLEMENT PREVENTION ACT

Mr. BOEHNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1309) to amend title I of the Employee Retirement Income Security Act of 1974 to provide for the preemption of State law in certain cases relating to certain church plans.

The Clerk read as follows:

S. 1309

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE.

The purpose of this Act is only to clarify the application to a church plan that is a welfare plan of State insurance laws that require or solely relate to licensing, solvency, insolvency, or the status of such plan as a single employer plan.

SEC. 2. CLARIFICATION OF CHURCH WELFARE PLAN STATUS UNDER STATE INSURANCE LAW.

(a) IN GENERAL.—For purposes of determining the status of a church plan that is a welfare plan under provisions of a State insurance law described in subsection (b), such a church plan (and any trust under such plan) shall be deemed to be a plan sponsored by a single employer that reimburses costs from general church assets, or purchases insurance coverage with general church assets, or both.

(b) STATE INSURANCE LAW.—A State insurance law described in this subsection is a law that—

(1) requires a church plan, or an organization described in section 414(e)(3)(A) of the Internal Revenue Code of 1986 and section 3(33)(C)(i) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(33)(C)(i)) to the extent that it is administering or funding such a plan, to be licensed; or

(2) relates solely to the solvency or insolvency of a church plan (including participation in State guaranty funds and associations).

(c) DEFINITIONS.—For purposes of this section:

(1) CHURCH PLAN.—The term ''church plan'' has the meaning given such term by section 414(e) of the Internal Revenue Code of 1986 and section 3(33) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(33)).

(2) REIMBURSES COSTS FROM GENERAL CHURCH ASSETS.—The term ''reimburses costs from general church assets'' means engaging in an activity that is not the spreading of risk solely for the purposes of the provisions of State insurance laws described in subsection (b).

(3) WELFARE PLAN.—The term ''welfare plan''—

(A) means any church plan to the extent that such plan provides medical, surgical, or hospital care or benefits, or benefits in the event of sickness, accident, disability, death or unemployment, or vacation benefits, apprenticeship or other training programs, or day care centers, scholarship funds, or prepaid legal services; and

(B) does not include any entity, such as a health insurance issuer described in section 9832(b)(2) of the Internal Revenue Code of

1986 or a health maintenance organization described in section 9832(b)(3) of such Code, or any other organization that does business with the church plan or organization sponsoring or maintaining such a plan.

(d) ENFORCEMENT AUTHORITY.—Notwithstanding any other provision of this section, for purposes of enforcing provisions of State insurance laws that apply to a church plan that is a welfare plan, the church plan shall be subject to State enforcement as if the church plan were an insurer licensed by the State.

(e) APPLICATION OF SECTION.—Except as provided in subsection (d), the application of this section is limited to determining the status of a church plan that is a welfare plan under the provisions of State insurance laws described in subsection (b). This section shall not otherwise be construed to recharacterize the status, or modify or affect the rights, of any plan participant or beneficiary, including participants or beneficiaries who make plan contributions.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from New Jersey (Mr. ANDREWS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1309.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of S. 1309, to clarify the status of church-sponsored health plans. Church plans are treated similarly to the health plans for the employees of State and local governments. These health plans are defined in the Employee Retirement Income Security Act, or, as we know it, ERISA, and then excluded from its provisions. This exclusion is important because of the need to protect unnecessary Government entanglement in the internal affairs of churches.

Ironically, our Federal effort to prevent Government intrusion has left the status of these church programs under State laws uncertain. State laws have developed without regard to the special characteristics of church benefit programs. Accordingly, these church programs are potentially subject to regulation by individual States, which was never intended when church plans were designed.

The impetus for the present legislation is twofold. First, from time to time, State insurance commissioners raise questions as to the need for church plans to obtain a license as an insurance company; and, secondly, due to their exclusion from ERISA, many insurance companies and health care providers are ambivalent about their capacity to contract with church plans for coverage or services.

The bill, S. 1309, attempts to solve both these problems by prohibiting a State from acquiring any church plan to obtain a license as an insurance company in that State and clarifies that a church plan should be treated as a single employer plan.

We have worked with Senator SESSIONS; the Church Alliance, the Church Pension Boards of 32 Protestant, Jewish, and Catholic denominations; the administration; and the National Association of Insurance Commissioners to revise H.R. 2183, a bill originally introduced by myself and the gentleman from New Jersey (Mr. ANDREWS) and a companion bill introduced by Senator SESSIONS in the other body.

The product of this process is S. 1309, as amended. This legislation clarifies the status of church welfare plans under certain specified State insurance law requirements, particularly the need to be licensed as an insurance company. With this clarification and the deeming of church plans to be single employer plans, churches will have greater bargaining power with health insurance companies and health network providers when purchasing coverage for their employees.

Additionally, the bill keeps intact certain regulatory responsibilities that State insurance departments presently have to protect consumers, such as regulations that prevent fraud and misrepresentations as to coverage.

Mr. Speaker, I urge my colleagues to support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. ANDREWS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the minority does not object to the passage of this bill. I would note, for the record, that we would have preferred the bill follow regular order and have hearings and committee markups. But we certainly do not object to its passage. I support passage of the bill.

I thank my friend, the gentleman from Ohio (Mr. BOEHNER), for his cooperation with the administration, the National Association of Insurance Commissioners, and all of the interested parties in making this a reality.

As the gentleman from Ohio (Mr. BOEHNER) noted, this bill is closely patterned after H.R. 2183, which he and I introduced into the House June 14 of last year, and it accomplishes two important objectives. The first is balance.

It is important that the rights of individual plan participants in church-held plans be protected, that all of the consumer and fiduciary protections to which they are entitled are preserved. This bill does that.

It also provides for proper balance between the legitimate interests of the States and regulating the fiduciary health of health plans and projecting proper State regulation of health plans. It balances that against the need for church health plans to have similar contract authority with health plans around the country.

I believe it will, as the gentleman from Ohio (Mr. BOEHNER) just said, facilitate the negotiating position of health plans when they purchase health and health insurance services to benefit their members.

Importantly, this legislation promotes clarity. Those who would offer services to church plans, those who administer church plans, and those who benefit from church plans will now have the benefit of a clear statement of the intent of this Congress with respect to legal arrangements underlying their health plans.

This is a technical bill with a very common sense purpose. Its technicalities are a bit difficult to follow, but its purposes are very clear. We want the men and women who work for church and religious organizations around the country to have the very best protection and the very best choice of benefits that can be reasonably made available by their employer, and we want those benefits to be offered free of any entanglement by policymakers in the legitimate religious preferences of the employing organization.

Because I believe that this legislation accomplishes both of those objectives, I support it.

Mr. Speaker, we have no further speakers on our side, and I yield back the balance of my time.

Mr. RAMSTAD. Mr. Speaker, I rise in strong support of S. 1309, a bill to clarify the status of church-sponsored employee benefit plans under state law.

Currently, church-sponsored employee benefit plans are exempt from ERISA and therefore are not exempt from state insurance laws like other employer-sponsored plans. Even so, these plans have generally operated as if they were exempt from state law. It is unfair for church plans to be potentially subject to greater regulations than other employer-sponsored plans, and it does not make sense to subject church employee benefit plans to state insurance laws that are not designed or equipped to deal with these unique plans.

My home state of Minnesota is one of four states that already provides an exemption for church plans. However, church plans have no legal certainty when they provide benefits in the remaining 46 states. This has caused many insurers to refuse to do business with church plans because these plans could be considered unlicensed entities.

Last year, I heard from the Board of Pensions of the Evangelical Lutheran Church in America, headquartered in Minneapolis, about the need to clarify the status of church benefit plans. I especially appreciated the advice and counsel of Bob Rydland and John Kapanke about this urgent problem affecting more than one million clergy and lay workers across the United States.

Because the rules affecting church plans are found in the tax code, I asked Chairman

ARCHER of the Ways and Means Committee, with the support of 13 bipartisan colleagues, to support a legislative correction to this problem. I am pleased this legislation before us today accomplishes our objective.

S. 1309 will clarify that church employee benefit plans are not insurance companies under state insurance laws. This bill was crafted with the help of state insurance commissioners, and it does not prevent states from enacting legislation targeted at these plans.

I am also grateful to Chairman BOEHNER and Ranking Member ANDREWS of the Education and Workforce Subcommittee on Employer-Employee Relations for their work on this important issue.

Mr. Speaker, I urge my colleagues to support this important legislation to protect the employee benefits of America's church workers.

Mr. BOEHNER. Mr. Speaker, I thank my colleague from New Jersey (Mr. ANDREWS) for his comments.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and pass the Senate bill, S. 1309.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

EXTENDING PERIOD FOR WHICH CHAPTER 12 OF TITLE 11 OF UNITED STATES CODE IS REENACTED

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4718) to extend for 3 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted.

The Clerk read as follows:

H.R. 4718

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS.

Section 149 of title I of division C of Public Law 105–277, as amended by Public Law 106–5 and Public Law 106–70, is amended—

(1) by striking ''July 1, 2000'' each place it appears and inserting ''October 1, 2000''; and

(2) in subsection (a)—

(A) by striking ''September 30, 1999'' and inserting ''June 30, 2000''; and

(B) by striking ''October 1, 1999'' and inserting ''July 1, 2000''.

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on July 1, 2000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

□ 1445

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4718, the bill under consideration.

The SPEAKER pro tempore (Mr. PETRI). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Chapter XII is a specialized form of bankruptcy relief only available to family farmers. It was first extended on a temporary basis in 1986 to respond to the particularized needs of farmers in financial distress as part of the Bankruptcy Judges, United States Trustees and Family Farmer Bankruptcy Act. Following its initial extension in 1993 to September 30, 1998, it has been further extended on several occasions and is currently due to expire on July 1 in the year 2000.

As we know, the House more than a year ago passed H.R. 833, the Bankruptcy Reform Act of 1999, with an overwhelmingly bipartisan vote of 313 to 108. As one of its key provisions, H.R. 833 would make Chapter XII a permanent form of bankruptcy relief for family farmers.

The Senate counterpart to H.R. 833, which also passed with a strong bipartisan vote of 83 to 14, contains a nearly identical provision. While significant progress has been made in reconciling the House and Senate bills, final action is still required.

As we await final passage of H.R. 833, it is clear that certain sectors of the farming industry continue to suffer financial distress resulting from devastating weather conditions or other factors.

We also note, however, that the current extension of Chapter XII is due to expire on July 1. If Chapter XII is not available, farmers will be forced to seek relief under the Bankruptcy Code's other alternatives. No other form of bankruptcy relief works quite as well for farmers as does Chapter XII.

Chapter VII would require the farmer to liquidate his or her farming operation. Many farmers would simply be ineligible to file under Chapter XIII because of its debt limits.

Chapter XI is an expensive process that does not accommodate the special needs of farmers. H.R. 4718 would simply extend Chapter XII for a 3-month period, which expires on October 1, 2000. This extension will provide important protections, at least on an interim basis, to family farmers.

Upon final passage and enactment of H.R. 833, however, Chapter XII would become a permanent fixture of the Bankruptcy Code. I commend my colleague, the gentleman from Michigan (Mr. SMITH) for his continuing leadership on this matter and long-standing commitment to family farmers. I urge my colleagues to vote in favor of H.R. 4718.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the members of the Committee on the Judiciary on this side, today we rise in strong support of this legislation but we must also say that we consider this legislation an insult in the sense that it provides only 3 additional months for protection under Chapter XII of the Bankruptcy Code.

While I seriously doubt anyone will vote against this bill, it is shameful that we are being asked to play games yet again with the future of family farmers in America as we are witnessing one of the worst farm crisis since the birth of Chapter XII more than a decade ago.

No one disagrees that Chapter XII should be made permanent. No one. Bipartisan legislation was introduced in the other body by Senators GRASSLEY and DASCHLE and in the House by our colleagues, the gentleman from Minnesota (Mr. MINGE) and the gentleman from Michigan (Mr. SMITH).

Those bills also increase the eligibility of threshold from the current $1.5 million in aggregate debt to $3 million and give certain tax debts nonpriority status if the debtor completes the plan.

The National Bankruptcy Review Commission recommended increasing the threshold and making Chapter XII permanent, and all three provisions in those bills have been endorsed in a joint statement by the Commercial Law League of America, and National Bankruptcy Conference and the National College of Bankruptcy.

Unfortunately, it seems that the secret shadow conference has betrayed family farmers and will not include all of these provisions in the final bankruptcy legislation that is now lumbering through the process.

This stealth conference, which excludes the minority and makes decisions with industry lobbyists outside public view will, we are told, attempt to sneak its work into an unrelated conference report. No member of the public will have an opportunity to review this secret bill before the vote. Anything could be in it. We will not know until it is too late.

In fact, the sponsor of this legislation introduced a measure earlier in this Congress which would have extended Chapter XII by 6 months past the sunset date rather than merely by the 3 months in this legislation. He then introduced a bill granting only an additional 3 months. Evidently this more modest effort found favor with the Republican leadership. It attracted the